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April 15, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: In the Matter of Amendment of Part 21 of the Commission's
Rules for the Domestic Public Fixed Radio Services Docket No.
93-2.

Dear Secretary Searcy:

Enclosed herewith is one (1) original, and five (5) copies of our
reply comments to the Notice of Proposed Rule Making.

Sincerely,

COMSEARCH

Christopher R. Hardy
Manager
Transmission Planning Services

CRH:msw

Enclosure

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 21 of the)
Commission's Rules for the)
Domestic Public Fixed)
Radio Services)

CC Docket No. 93-2

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To: The Commission

Reply Comments of Comsearch

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Comsearch, hereby submits its reply in response to the comments filed to the Notice of Proposed Rule Making (NPRM) in the above-captioned proceeding.

We endorse Commission action that will expedite the Part 21 licensing process in light of in-service demands placed upon carriers in today's market. Permitting pre-authorization construction and streamlining reporting requirements as outlined in the NPRM is certainly a good first step in this regard. At the same time consideration must be given to preserve the integrity of the prior coordination process and comply with the statutory requirement of the 30 day public notice period found in Section 309 of the Communications Act.

Comsearch agrees with many of the commenters that while the proposals set forth in the NPRM represent a positive step toward improving the licensing process, they do not go far enough to meet

the demands the current industry faces for quick service initiation.¹ According to our records, over 60% of the paths currently coordinated in the common carrier Point-to-Point microwave service (PPMS) are done in connection with the cellular industry. The ability of cellular providers to initiate cell sites in an expedient manner, often on a notice-only basis, requires that operation authorization of PPMS keep pace. It is this inequality of license processing time between cellular and PPMS that has led some common carriers to use procedures such as a Temporary Fixed Authority (TFA) to meet customer demands.² As further indication of the requirement on PPMS carriers to meet quicker in-service demands, we have seen a steady increase over the last several years in requests for expedited prior coordination.³ In 1990 approximately 20% of the prior coordinations issued by Comsearch were expedited and in 1992 this figure increased to over 26%.

To reduce time delays currently found in the PPMS licensing

¹ See, comments of GTE Service Corp., US West, McCaw Cellular, Local Area Telecommunications, Southwestern Bell Corporation, Nynex Mobile, and Sprint.

² See, comments of US West, page 2.

³ Part 21.100 (d) sets forth frequency coordination procedures which allow applicants 30 days to respond to coordination notices. Through language found in Part 21.100 (d)(2)(i) coordination can be accomplished through oral notification and response. This procedure is commonly referred to in the industry as "verbal coordination" and can result in the substantial reduction of the 30 day coordination period.

process, Comsearch proposes that the Commission not only adopt regulatory procedures that would allow pre-authorization of construction as outlined in the NPRM, but also authorization of operation at the conclusion of the Public Notice period. Under this procedure initiation of service could occur, relying upon a PPMS application being timely placed on Public Notice, approximately 60 - 80 days after initiation of prior coordination. If verbal coordination is employed the time frame could be reduced significantly.⁴ This approach would better meet the carriers requirement for expedited operations, while at the same time meet the statutory requirement of the Public Notice period and preserve the vital function of the prior coordination process.

Public Notice Period

Some of the comments submitted propose changing the sequence of the current PPMS licensing process by moving the Public Notice period.⁵ US WEST's proposal of a blanket authorization would essentially move the Public Notice period to the beginning of the engineering and licensing procedure. MCCAOW, on the other hand, proposes moving the Public Notice period to the end of the licensing

⁴ This time frame, from onset of coordination to authorization of operation, is consistent with the proposals submitted in the comments of US West, Pacific Telesis and GTE Service Corp.

⁵ See, comments of US West and MCCAOW Cellular.

process. Each approach has its drawbacks. US West's proposal to license microwave stations under blanket authority instead of individually, would result in a single call sign being issued for multiple sites. This would cause significant confusion in databases maintained on PPMS. As stated in the NPRM MCCA's proposal to move the Public Notice period to the end of the licensing process, up to 5 months after temporary authorization, does not provide the needed safeguards against interference. Carriers could be operating for 5 months without formal application to the Commission or notification to the public. We have identified several actual interference cases with systems operating under TFA's. Fortunately, each case was resolved by changing parameters of one of the affected paths. In one instance, we had interference cases between two owners, both of whom were operating under TFA's. There needs to be some process of notification of operation to ensure that these instances of interference do not occur.

Our experience has shown that the Public Notice serves a vital role in maintaining the integrity of databases through the monitoring of PPMS applications. Contrary to comments questioning the necessity of the Public Notice, we routinely identify applications filed which differ from the data supplied in the coordination process. For example, a review of common carrier Public Notices issued between October 2, 1992 and March 24, 1993 revealed approximately 680 applications with discrepancies when compared

with previously coordinated data. This is a significant enough number to warrant the continuation of the Public Notice in its current form, at the onset of application submittal and following the coordination period.

Comsearch agrees with MCI that the rules regarding the use of

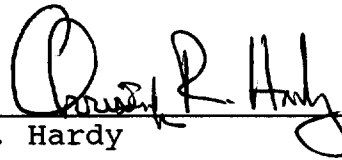
requirement for prior coordination of minor changes, these modifications may never be brought to the attention of the public. While this information is considered minor in nature under the Commissions rules, keeping these changes from the public does not promote spectral efficiency and in some cases could result in potential interference conflicts. For example, the rules allow for a modification of an antenna if the new antenna meets or exceeds the existing antenna pattern at all azimuths. Consider, a user that upgrades from an FCC Standard A antenna to a high performance antenna. By definition this modification would meet all the requirements set forth in § 21.42. Subsequent users may be precluded from otherwise available spectrum because they are unknowingly engineering around a Standard A antenna instead of the actual high performance antenna. This results in poor utilization of the spectrum. There are a myriad of other changes allowed under the rules which meet the definition of being minor, however applicants may unwittingly effect changes through this process which could result in undesired interference.

Form 494

It was apparent from many of the comments that the changes to Form 494 proposed in the NPRM appear to have missed the mark. Instead of making the form less burdensome and more efficient, several commenters expressed concern that the changes would actually increase the complexity of the current form. Significant input was

provided by several parties regarding modifications to the form.⁸
Comsearch agrees with AT&T that the Commission should work with industry groups such as the NSMA to interactively discuss proposed changes to FCC Form 494 prior to adopting a new format.

Respectfully Submitted,
COMSEARCH

Prepared By: 
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⁸ See, comments of Comsearch, McCaw Cellular, WTCI, Southwestern Bell, BellSouth, and EMI.

CERTIFICATE OF SERVICE

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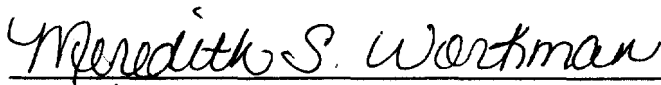
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